1 2 3 4 5 6 7 8	Erwin J. Shustak [CBN 119152] shustak@shufirm.com Thomas C. Frost [CBN 185187] tfrost@shufirm.com Jonah A. Toleno [CBN 209600] jtoleno@shufirm.com SHUSTAK & PARTNERS, P.C. 401 West "A" Street, Suite 2330 San Diego, CA 92101 Telephone (619) 696-9500 Facsimile (619) 615-5290 Attorneys for Petitioner DENISE R. REED		
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	DENISE R. REED,) Case No. 4:07-CV-03648-CW	
13	Petitioner,	PETITIONER DENISE R. REED'S AMENDED NOTICE OF MOTION AND	
14	VS.) MOTION FOR AWARD OF ATTORNEYS' FEES	
15	NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., WHITE PACIFIC SECURITIES, INC.	}	
16	PACIFIC SECURITIES, INC. and ROY L. PANELLI,	Hearing Date: January 10, 2008 Hearing Time: 2:00 p.m.	
17	Respondents.) Judge: Hon. Claudia Wilken)	
18		Petition Filed: July 16, 2007	
19	TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:		
20	YOU ARE HEREBY NOTIFIED THAT at 2:00 p.m., on January 10, 2008, or as soon		
21	thereafter as the matter can be heard, Petitioner DENISE R. REED ("Reed") will and hereby does		
22	move this Court for an order granting against Respondent WHITE PACIFIC SECURITIES, INC.		
23	("White Pacific"), Reed's attorneys' fees, costs and expenses incurred in the enforcement of her		
24	rights as the Prevailing Party in the arbitration underlying this action, totaling \$42,140.54.		
25	Such an order is authorized and appropriate pursuant to an independent contractor agreement		
26	between Reed and White Pacific(the "Agreement") and the award (the "Award") issued in favor of		
27	Reed by Respondent FINANCIAL INDUSTRY REGULATORY AUTHORITY ("FINRA", f/k/a		
28	1		
	AMENDED NOTICE OF MOTION AND MOTION FOR AWARD OF ATTORNEYS' FEES 4:07-CV-03648-CW		

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National Association of Securities Dealers) in the arbitration.. True and correct copies of the Agreement and the Award are attached as Exhibits "A" and "B", respectively, to the Declaration of Jonah A. Toleno, Esq., filed in support of this motion. FINRA designates Reed as the prevailing party and requires Reed to confirm the Award in court prior to executing the relief specified therein. The Agreement provides that the prevailing party is entitled to attorneys' fees, costs, and expenses incurred in the enforcement of that party's rights as the prevailing party. The pertinent portions of the Award having been confirmed by this Court, Reed is entitled to payment of her attorneys' fees and costs incurred in enforcing her rights.

This motion is based on this Amended Notice; the concurrently filed Memorandum of Points and Authorities, Declaration of Jonah A. Toleno, Esq. and exhibits thereto; and on any argument made in support of this motion.

DATED: December 7, 2007

Submitted by,

SHUSTAK & PARTNERS, P.C. ERWIN J. SHUSTAK THOMAS C. FROST JONAH A. TOLENO

s/Jonah A. Toleno Attorney for Petitioner Email: jtoleno@shufirm.com

401 West "A" Street, Suite 2330 San Diego, CA 92101 Telephone: (619) 696-9500 Facsimile: (619) 615-5290

Attorneys for Petioner DENISE R. REED

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1	<u>DECLARATION OF SERVICE</u>		
2	I, Jonah A. Toleno, declare as follows:		
3	I am employed in the County of San Diego, California; I am over the age of eighteen years and am not party to this action. My business address is 401 West "A" Street, Suite 2330, San		
4	Diego, California, 92101. On December 7, 2007, I served the following documents:		
5	PETITIONER DENISE R. REED'S AMENDED NOTICE OF MOTION AND MOTION FOR AWARD OF ATTORNEYS' FEES;		
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7	(X) BY ECF (ELECTRONIC CASE FILING): I e-filed the above referenced document utilizing the United States District Court, Northern District of California's mandated ECF		
8 9	(Electronic Case Filing) service on November 6, 2007. Counsel of record are required to registered e-filers, and as such are automatically e-served with a copy of the docume upon confirmation of e-filing.		
10	I certify under the penalty of perjury that the foregoing is true and correct and that this		
11	Declaration of Service was executed on December 7, 2007, at San Diego, California.		
12	/s Jonah A. Toleno		
13	JONAH A. TOLENO		
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	DECLARATION OF SERVICE 4:07-CV-03648-CW		